

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JOHN RASH**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:20-CV-224-NBB-RP**

**LAFAYETTE COUNTY, MISSISSIPPI**

**DEFENDANT**

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**ANSWER**

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COMES NOW, Lafayette County, Mississippi, the Defendant in the above-styled and numbered cause, by and through counsel, and files its Answer to the Complaint, and would state as follows:

**First Defense**

The Complaint fails to state a claim upon which relief may be granted.

**Second Defense**

The Complaint fails to state a plausible First Amendment (including Retaliation) claim within the meaning of Iqbal/Twombly and therefore the Complaint should be dismissed at cost to the plaintiff.

**Third Defense**

Some or all of the claims asserted in the Complaint are moot or are otherwise barred by the doctrines of laches and equitable estoppel.

**Fourth Defense**

And now, answering the allegations of the Complaint, paragraph by paragraph, the Defendant responds and alleges as follows:

1.

The allegations contained in Paragraphs 1 and 2 of the Complaint are denied.

2.

The allegations contained in Paragraph 3 of the Complaint are denied except that Defendant admits that the plaintiff submitted a permit application to Lafayette County on July 14, 2020 to use the Courthouse grounds during the evening hours on August 8, 2020.

3.

The allegations contained in Paragraph 4 of the Complaint are denied.

4.

The allegations contained in Paragraph 5 of the Complaint are admitted except that Defendant denies that Plaintiff seeks “other relief as this Court sees fit.”

5.

The allegations contained in Paragraphs 6 thru 10 of the Complaint are admitted except that Defendant denies that the Plaintiff is entitled to any such relief.

6.

The allegations contained in Paragraph 11 of the Complaint are denied except that Defendant admits that the Plaintiff is a resident of Oxford, Mississippi.

7.

The allegations contained in Paragraph 12 of the Complaint are admitted except the Defendant denies the legal conclusions as to Sheriff Joey East.

8.

The allegations contained in Paragraphs 13 thru 21 of the Complaint are denied except that Defendant admits that there have been protests and demonstrations within the City of Oxford, Mississippi including areas within the Courthouse grounds since May 25, 2020.

9.

The allegations contained in Paragraphs 22 thru 25 of the Complaint are denied.

10.

The allegations contained in Paragraph 26 of the Complaint are admitted.

11.

The allegations contained in Paragraph 27 of the Complaint are denied.

12.

The allegations contained in Paragraphs 28 thru 31 of the Complaint are admitted.

13.

The allegations contained in Paragraph 32 of the Complaint are admitted except that the Defendant denies any implied causal relation.

14.

The allegations contained in Paragraph 33 thru 34 of the Complaint are denied as an incomplete statement of the referenced policy.

15.

The allegations contained in Paragraph 35 of the Complaint are denied.

16.

The allegations contained in Paragraph 36 of the Complaint are denied as the Defendant is without information sufficient to form a belief as to their truth or falsity.

17.

The allegations contained in Paragraph 37 of the Complaint are admitted.

18.

The allegations contained in Paragraph 38 thru 43 of the Complaint are denied as the Defendant is without information sufficient to form a belief as to their truth or falsity.

19.

The allegations contained in Paragraphs 44 and 45 of the Complaint are admitted.

20.

The allegations contained in Paragraph 46 thru 49 of the Complaint are denied.

21.

The allegations contained in Paragraph 50 of the Complaint are admitted except that the reference to “traditional public forums” is denied.

22.

The allegations contained in Paragraph 51 thru 58 of the Complaint are denied.

23.

Wherefore, premises considered, the Defendant requests that this court deny the request for relief and dismiss this action at cost to the plaintiff, and award the Defendant its costs and attorneys fees as incurred in the defense of this frivolous action. The Defendant also requests any other relief which the court may find warranted in the premises.

THIS, the 18th day of August, 2020.

Respectfully submitted,

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/s/ David D. O'Donnell  
**DAVID D. O'DONNELL, MSB #3912**  
*Attorney for Lafayette County, Ms.,*  
*Defendant*  
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**CERTIFICATE OF SERVICE**

I, David D. O'Donnell, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 18th day of August, 2020.

/s/ David D. O'Donnell  
**DAVID D. O'DONNELL, MSB# 3912**  
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